

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CORINNE ALICE WRIGHT,	:	No. 4:07-cv00144
	:	
Plaintiff	:	(Judge Jones)
	:	
v.	:	
	:	(Magistrate Judge Smyser)
MICHAEL J. ASTRUE,	:	
Commissioner of Social	:	
Security, ¹	:	
Defendant	:	

MEMORANDUM

April 20, 2007

THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:

On April 2, 2007, Magistrate Judge Smyser filed a Report and Recommendation (doc. 7), recommending that the Court grant the Defendant's motion for the remand (doc. 6) of this 42 U.S.C. § 405(g) social security disability case for further administrative action.

Objections to the Magistrate Judge's report were due by April 19, 2007 and to date none have been filed. This matter is therefore ripe for our review.

STANDARD OF REVIEW:

¹ Michael J. Astrue became the Acting Commissioner of Social Security, effective February 12, 2007 to succeed Linda S. McMahon. Under Fed. R. Civ. P. 25(d)(1) and 42 U.S.C. § 405(g), Michael J. Astrue is automatically substituted as the defendant in this action.

When no objections are made to a magistrate's report, the district court is not statutorily required to review a magistrate judge's report before accepting it. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985). According to the Third Circuit, however, "the better practice is to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). When a district court accepts a magistrate judge's report, the report becomes the judgment of the court. Id.

DISCUSSION:

Magistrate Judge Smyser notes that the Plaintiff concurs in the motion to remand, and accordingly, he recommends that the case be remanded to the Commissioner for further administrative action pursuant to the Social Security Act.

Our review of this case obviously confirms Magistrate Judge Smyers's determinations. Because we find no error in Magistrate Judge Smyser's Report and Recommendation and because no objections have been filed, we will adopt it as our own for the reasons cited herein. An appropriate Order shall issue.